

Serial No.: 10/027,079
Examiner: Tran, Khoa H.
Reply to Office Action of March 5, 2004

REMARKS

Claims 1-21, 24-34 and 36-47 remain in the application. By this amendment claims 14, 34 and 40 have been further amended. The present application as originally filed supports these amendments. No new matter has been added.

Rejection of Claims 14, 16, 19-21, 34, 36, 37 and 39 under 35 U.S.C. 103(a)

Claims 14, 16, 19-21, 34, 36, 37 and 39 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,279,756 to Walter et al. in view of U.S. Patent No. 6,321,917 to Mendoza and U.S. Patent No. 6,240,687 to Chong.

Independent claim 14, from which claims 16, 19-21 depend, and independent claim 34, from which claims 34, 36, 37 and 39 depend, have been further amended to more clearly define the invention. Independent claims 14 and 34 now each recite racks for electrical equipment having upright members secured to a base, wherein the base includes gussets extending from the up right members and angle inserts positioned against the gussets and the upright members. The base also includes two side channel pieces extending at an angle between horizontal and vertical plates of the angle inserts, and a central channel piece extending horizontally between the side channel pieces and the horizontal plates of the angle inserts. In particular, the central channel piece is affixed to a bottom plate of the base and has two opposite ends affixed to ends of the horizontal plates of the angle inserts and edges of the side channel pieces.

The angle inserts and the side channel pieces provide support between the base plate and the upright members and the gussets of the base, while the central channel piece provides support between the angle inserts and the side channel pieces. The combination of the angle inserts and the side channel pieces, and the central channel piece substantially strengthens the rack in a new

and non-obvious manner over the cited prior art.

Walter et al. discloses a rack having two gussets 20A and 20B, and two inclined inverted U-shaped cross section channel members 20A' and 20B' as shown in FIG. 4. The rack disclosed in Walter et al. does not have a central channel piece with two ends affixed to the two opposing ends of the side channel pieces to reinforce the side channel pieces, as required in claims 14 and 34. Furthermore, as indicated in the Office Action, Walter et al. does not disclose or suggest the angle inserts having horizontal plates positioned parallel to and against the bottom plate and vertical plates positioned parallel to and against to the upright members. Moreover, Walter et al. does not disclose or suggest a central channel piece affixed to a bottom plate of a base and having opposite ends affixed to ends of the horizontal plates of the angle inserts and ends of the side channel pieces.

Mendoza also does not teach or suggest a central channel piece affixed to a bottom plate of a base and having opposite ends affixed to ends of horizontal plates of angle inserts and ends of side channel pieces. Mendoza discloses a rack having two gussets 306 connecting the vertical channel member to the base plate and a raised grounding strip 320 placed on middle base plate 312. As shown in a perspective view in FIG. 11 and in a top view in FIG. 8 in Mendoza, the raised grounding strip 320 is separated from the gussets 306 by empty regions and brackets 314. Therefore, the raised grounding strip 320 does not reinforce the gussets 306. As indicated in the Office Action, Mendoza does not disclose or suggest a central channel piece affixed to a bottom plate of a base and having opposite ends affixed to ends of the horizontal plates of the angle inserts and ends of the side channel pieces.

Chong shows a frame construction 10 forming a supporting portion of a modular office furniture system. Two upright supports 12 and two crossbeams 14 interconnect to form the substantially rectangular frame 10. The crossbeams 14 include a tubular body 24 with open ends 26, and formed in direct communication with the open ends 26 are triangular cut-outs 28. The

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cut-outs 28 receive triangular or pyramidal gussets 30. The gussets 30 include flanges 32 to facilitate securement to the body 24, and an end plate 34 fits into the opening formed by the body 24 and the gusset 30 and is secured to the crossbeam 14. The end plate 34 includes apertures 36 adapted to receive fasteners 38 for securing the crossbeams 14 to the upright supports 12.

Even assuming that the modular office furniture frame of Chong is analogous art with respect to the earthquake-resistant telecommunications equipment rack of the present invention, Chong also does not teach or suggest a central channel piece affixed to a bottom plate of a base and having opposite ends affixed to ends of horizontal plates of angle inserts and ends of side channel pieces.

Accordingly, none of Walter et al., Mendoza or Chong, whether combined or considered separately, teaches or suggests a base having angle inserts positioned against upright members and gussets and two side channel pieces extending between horizontal plates and vertical plates of the angle inserts, and a central channel piece affixed to a bottom plate of the base and having opposite ends affixed to edges of the horizontal plates of the angle inserts and ends of the side channel pieces. Applicants respectfully request that the patent office reconsider and withdraw the rejection of claims 14, 16, 19-21, 34, 36, 37 and 39 under 35 U.S.C. 103(a) as being unpatentable over Walter et al. in view of Mendoza and Chong.

Rejection of Claims 1-6, 9-13, and 15 under 35 U.S.C. 103(a)

Claims 1-6, 9-13, and 15 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Walter et al. in view of Mendoza and Chong, and further in view of U.S. Patent No. 5,983,590 to Serban. Claims 1-6 and 9-13 depend from independent claim 34, and claim 15 depends from independent claim 14. Like Walter et al., Mendoza and Chong, Serban also does not teach or suggest a rack having a base and upright members, wherein the base has gussets extending from the upright members and angle inserts positioned against the upright

members and the gussets, side channel pieces extending between horizontal plates and vertical plates of the angle inserts, and a central channel piece affixed to a bottom plate of the base and having opposite ends affixed to edges of the horizontal plates of the angle inserts and ends of the side channel pieces. Therefore, Walter et al., Mendoza, Chong, and Serban, whether combined or considered separately, do not render the inventions claimed in claims 14 and 34 obvious. Accordingly, applicants respectfully request that the patent office reconsider and withdraw the rejection of claims 1-6, 9-13, and 15 under 35 U.S.C. 103(a) as being unpatentable over Walter et al. in view of Mendoza and Chong, and further in view of Serban.

Rejection of Claims 1-13, 15, 17, 18, 24-33 and 40-47 under 35 U.S.C. 103(a)

Claims 1-13, 15, 17, 18, 24-33 and 40-47 have rejected under 35 U.S.C. 103(a) as being unpatentable over Walter et al. in view of Mendoza and Chong, and further in view of U.S. Patent No. 5,819,956 to Rinderer. Claims 1-13 depend from independent claim 34, and claims 15, 17, 18, and 24-33 depend from independent claim 14. Like Walter et al., Mendoza and Chong, Rinderer also does not teach or suggest a rack having a base and upright members, wherein the base has gussets extending from the upright members and angle inserts positioned against the upright members and the gussets, side channel pieces extending between horizontal plates and vertical plates of the angle inserts, and a central channel piece affixed to a bottom plate of the base and having opposite ends affixed to edges of the horizontal plates of the angle inserts and ends of the side channel pieces. Therefore, Walter et al., Mendoza, Chong, and Rinderer, whether combined or considered separately, do not render the inventions claimed in claims 14 and 34 obvious.

Claim 40 is an independent claim, and claim 41-47 depend from claim 40. Independent claim 40 has also been amended. Like claims 14 and 34, independent claim 40 now recites a rack for electrical equipment having upright members secured to a base, wherein the base includes gussets extending from the upright members and angle inserts positioned against the

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gussets and the upright members. The base also includes two side channel pieces extending at an angle between horizontal and vertical plates of the angle inserts, and a central channel piece affixed to a bottom plate of the base and extending horizontally between the side channel pieces and the horizontal plates of the angle inserts.

As discussed above, Walter et al., Mendoza, Chong, or Rinderer, whether combined or considered separately, do not teach or suggest a rack having a base and upright members, wherein the base has gussets extending from the upright members and angle inserts positioned against the upright members and the gussets, side channel pieces extending between horizontal plates and vertical plates of the angle inserts, and a central channel piece affixed to a bottom plate of the base and having opposite ends affixed to edges of the horizontal plates of the angle inserts and ends of the side channel pieces. Therefore, Walter et al., Mendoza, Chong, and Rinderer, whether combined or considered separately, do not render the inventions claimed in claims 40-47 obvious.

Accordingly, applicants respectfully request that the patent office reconsider and withdraw the rejection of claims 1-13, 15, 17, 18, 24-33 and 40-47 under 35 U.S.C. 103(a) as being unpatentable over Walter et al. in view of Mendoza and Chong, and further in view of Rinderer.

Conclusion

Applicants respectfully submit that in view of the preceding amendments and arguments, claims 1-21, 24-34 and 36-47 are patentable over the cited references, whether those references are considered alone or in combination, and respectfully request reconsideration and withdrawal of the rejections of these claims under 35 U.S.C. 103(a). If a telephone conference will expedite prosecution of the application the Examiner is invited to telephone the undersigned.

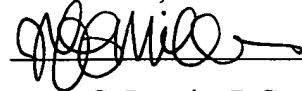
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The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, in connection with the filing of this paper to our Deposit Account No. 50-1133.

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Respectfully submitted,

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